

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)**

Plaintiff,)

Vs.)

UNION PACIFIC RAILROAD COMPANY,)

Defendant.)

Case No. 19-CV-6021

Judge Sara Ellis

Magistrate Judge Susan Cox

**UNOPPOSED MOTION FOR A 60-DAY STAY
PENDING NEGOTIATIONS OVER A PROPOSED CONSENT DECREE**

Defendant, Union Pacific Railroad Company (“Union Pacific”), by and through its undersigned counsel, hereby requests that the Court enter an Order staying this matter for 60 days pending negotiations over a proposed Consent Decree that is intended to effectuate the resolution of the case. In support of this Motion, Union Pacific states as follows:

1. Plaintiff, the Equal Employment Opportunity Commission (the “EEOC”), filed this action on or about September 9, 2019, alleging violations of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12117(a). (Dkt. No. 1).

2. On the same day it filed the Complaint, the EEOC sent Union Pacific copies of the pleading along with a Waiver of Service of Summons form under Rule 4(d) of the Federal Rules of Civil Procedure (Fed. R. Civ. P. 4(d)). Union Pacific timely executed the Waiver of Service of Summons form on September 16, 2019, making its answer or other pleading due on or before November 8, 2019. (Dkt. No. 6).

3. On October 2, 2019, the Court set an initial status conference in this case for November 21, 2019. (Dkt. No. 8). Pursuant to the Court’s Case Procedures, the parties are

required to file an Initial Joint Status report seven days in advance of the status conference, on November 14, 2019. This case is not exempted from the Mandatory Initial Discovery Pilot Project in which the Court is participating, and responses of both parties to the mandatory initial discovery are currently due no later than December 9, 2019.

4. After the Complaint was filed, however, Union Pacific reached out to the EEOC about the potential for resolving this matter amicably without further proceedings. On October 24, 2019, the parties and their counsel met in person at the offices of Union Pacific's Chicago counsel to discuss the case and the potential for settlement. Since that meeting, the parties have continued to communicate openly with one another, exchanging settlement proposals. In response to Union Pacific's most recent offer, EEOC has indicated that it will draft and provide to Union Pacific a proposed Consent Decree to effectuate the resolution of the case.

5. Given the tenor of their discussions and negotiations to date, the parties are hopeful that they will be able to resolve this matter without requiring further significant expenditure of time and resources on their own parts and on the part of the Court. Accordingly, in order to save time and money for all concerned, Union Pacific requests a 60-day stay of the case pending negotiations over the proposed Consent Decree.

6. Counsel for Union Pacific has conferred with counsel for the EEOC about this Motion. Counsel for the EEOC has advised counsel for Union Pacific that the EEOC has no objection to this Motion.

7. This Motion for Stay is made in good faith and not for purposes of harassment or delay.

WHEREFORE, for the foregoing reasons, Defendant, Union Pacific Railroad Company, requests a 60-day stay of the case pending negotiations over a proposed Consent Decree to effectuate resolution of the matter.

Respectfully submitted,

UNION PACIFIC RAILROAD CO.

By: s/ Julie L. Trester
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CERTIFICATE OF SERVICE

The undersigned attorney certifies that on November 11, 2019, a copy of the foregoing **DEFENDANT'S UNOPPOSED MOTION FOR A 60-DAY STAY PENDING NEGOTIATIONS OVER PROPOSED CONSENT DECREE** was filed electronically with the Clerk of the Court using the CM/ECF system. The parties may access this filing through the Court's electronic filing system, and notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

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Respectfully submitted,

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